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Website

My ZIP Code

www.houstontx.gov > [Executive Orders](#) > 1-8

EXECUTIVE ORDERS > 1-8

No. 1-8: Prohibition of Discrimination Based On Sexual Orientation (Effective Date 2.16.98)

1. PURPOSE

The purpose of this Executive Order is to prohibit discrimination or retaliation on the basis of sexual orientation and to provide in all city programs and in all related activity equal employment and economic opportunity at every level of municipal government without regard to sexual orientation. It is further the city's policy to provide each city employee a work environment free of discrimination and harassment based on sexual orientation. "Sexual orientation" as used in this Executive Order refers to the actual or perceived status of a person with respect to his or her sexuality.

2. OBJECTIVES

This Executive Order applies to all city activities, including but not limited to those relating to (1) all aspects of employment such as recruitment, appointment, compensation, promotion, discipline, demotion, transfers, layoff, recall, termination, and training opportunities; (2) all aspects of economic opportunity such as contracting and vending; (3) availability of city facilities; (4) provision of city services; and (5) all city interactions with the public.

3. DUTIES OF THE OFFICE OF THE INSPECTOR GENERAL

1) The Office of the Inspector General (OIG) shall investigate all reports alleging discrimination or retaliation by city employees based on sexual orientation. These investigations of reports shall include allegations made by city employees, as well as allegations made by citizens who allege discriminatory or retaliatory treatment by city employees.

2) The OIG shall provide each department a copy of the procedures for accepting any complaints made pursuant to this Executive Order.

4. DUTIES OF DEPARTMENT DIRECTORS

1) Department directors shall inform each of their employees of the procedures established by the OIG to investigate complaints of discrimination or retaliation by city employees based on sexual orientation. Each department director shall distribute and post the procedures promulgated by the OIG in a manner calculated to make

them as widely available to employees as possible.

2) Department directors shall cooperate with the OIG to ensure timely investigation of complaints.

3) So that all officials and employees understand the city policy on sexual orientation and requirements of this Executive Order, the Affirmative Action and Contract Compliance Division of the Mayor's Office shall develop and implement diversity training.

5. DUTIES OF CITY EMPLOYEES

1) "City employee" as used in this Executive Order shall include all employees who work for the city, whether civil service protected in any civil service system, contract, grant or exempt under Art. V-a, Sec. 2 of the Charter including appointive officials, city attorneys and their professional staff, and part-time, temporary, emergency or executive level workers.

2) City employees in the performance of their employment related duties and assignments with the city shall not discriminate or retaliate against any other employee or against any member of the public because of an individual's actual or perceived sexual orientation.

3) All city employees shall have an affirmative duty to immediately report, in writing, any violation of this Executive Order to his/her supervisor or manager and to the OIG.

6. COMPLIANCE

1) It shall be a violation of this Executive Order for an employee to fail, or refuse, to hire, recruit, appoint, promote or train any individual or otherwise discipline, demote, transfer, lay off, fail to recall, or terminate any individual because of such individual's sexual orientation; or to limit, segregate or classify employees or applicants in any way which would deprive, or tend to deprive, any individual of equal opportunity or otherwise adversely affect the status of the employee or applicant because of such individual's sexual orientation.

2) It shall be a violation of this Executive Order for an employee to fail or refuse to recommend any contract or purchase for award, based upon any contractor or vendor's sexual orientation; or to fail to make available to any member of the public who would otherwise be entitled to use of a city facility or receipt of a city service based upon that member of the public's sexual orientation; or to limit, based upon an individual's sexual orientation, participation by any city employee or member of the public in any city-sponsored activity in which the individual would otherwise be permitted to participate.

3) Adherence to this Executive Order is mandatory. Violation of this Executive Order will subject a city employee to disciplinary action, up to and including indefinite suspension/termination.